

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

AMENDED CRIMINAL
PRETRIAL SCHEDULING
ORDER

MARTIN SHKRELI and EVAN GREEBEL

15-CR-637 (KAM)

Defendant.

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The defendants in the above captioned criminal case having interposed a plea of not guilty, the parties are directed:

1. To **APPEAR** with counsel ready to **SELECT A JURY** and **TO TRY THE CASE** and to have available witnesses and exhibits on **June 26, 2017 at 9:00 a.m.** in Courtroom No. 6C South on the 6th Floor, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York.¹

2. To **SERVE AND FILE VIA ECF ALL GOVERNMENT AND DEFENSE PRETRIAL MOTIONS** based on any defense, objection, or request, which is capable of determination before the trial of the general issue, in writing, according to the following schedule:

- (i) All **discovery-related motions** are due on or before **September 16, 2016, opposition papers** are due by **September 28, 2016, reply papers** are due by **October 5, 2016**. Oral argument for these motions and a status conference is scheduled for **October 11, 2016 at 2:30 p.m.**
- (ii) Any **severance motions** are due on or before **February 17, 2017, opposition papers** are due by **March 1, 2017, reply papers** are due by **March 7, 2017**. Oral argument for these motions is scheduled for **April 7, 2017 at 1:30 p.m.**
- (iii) Any **other substantive, non-in limine motions** are due on or before **March 17, 2017, opposition papers** are due by **March 31, 2017,**

¹ All in person hearings will occur at this location.

reply papers are due by **April 10, 2017**. Oral argument for these motions will be scheduled at the request of the parties.

The parties shall also provide two courtesy copies of all motion papers to chambers.

3. **No later than April 21, 2017**, each party shall **SERVE AND FILE VIA ECF**, or the parties shall jointly file via ECF, and provide two courtesy copies to chambers of:

- (i) a LIST OF EXHIBITS; and a LIST OF WITNESSES, including, with respect to any expert witness, a description of qualifications and a summary of expected testimony;
- (ii) a LIST OF PERSONS, including ATTORNEYS; CORPORATIONS; INSTITUTIONS; PLACES; and SCIENTIFIC, TECHNICAL, or COLLOQUIAL TERMS that will be present or referred to by counsel or witnesses during the trial, for the use of the court in questioning prospective jurors and to assist the court reporter in recording the proceedings;
- (iii) VOIR DIRE requests;
- (iv) PROPOSED VERDICT FORMS, SPECIAL VERDICT FORMS, AND PROPOSED SPECIAL INTERROGATORIES, if applicable;
- (v) REQUESTS TO CHARGE OR ANY OBJECTIONS to same;
- (vi) ANY STIPULATIONS OF FACT OR NOTICES OF OBJECTIONS to authenticity of documents; and

4. Within two weeks of the **April 21, 2017** disclosures, the parties are to meet and confer to discuss any objections to the disclosures. Any disputes relating to these disclosures must be filed in **short letter brief form** on or before **May 5, 2017**, and all **oppositions** are due by **May 12, 2017**, and only if absolutely necessary, **replies** should be filed by **May 19, 2017**.

5. To **APPEAR** with counsel who is to try the case at a **FINAL PRETRIAL CONFERENCE** on **June 19, 2017 at 10:30 a.m.** in Courtroom 6C

South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York. As ordered above, all matters required as preliminary to the hearing of pretrial motions, including the making of formal and informal requests for discovery and the giving of notice of specified defenses or as to the use of specified evidence, shall be accomplished sufficiently in advance of **June 26, 2017**, so as to permit said motions to be decided by this date.

(a) **Before the pretrial conference**, each party shall:

- (i) PHYSICALLY MARK for identification (e.g., GX. 1^{ID}, DX A^{ID} followed by the docket number) each item of physical or documentary EVIDENCE which the party intends to offer in evidence at trial, including any learned treatises or publications to be introduced pursuant to Federal Rule of Evidence 803(18);²
- (ii) If TRANSCRIPTS are to be used either as substantive evidence or aids to the jury, a single copy shall be appropriately marked by all parties to indicate (i) portions to be read, and (ii) portions objected to; and
- (iii) Make every effort to enter into STIPULATIONS OF FACT, including stipulations as to the authenticity of all documents intended to be offered in evidence at trial, and to give notice as to all objections to authenticity so as to permit the adversary to have available at trial all necessary foundation witnesses.

(b) **At the final pretrial conference on June 19, 2017 at 10:30 a.m.**, each party shall bring two sets of all

² If any party wishes to present marked exhibits to the jury in digital form, the parties are directed to meet with the Chief Deputy Clerk for Automation Services and my case manager at least 20 days prior to the commencement of the trial to review the available equipment in Courtroom 6C South for the presentation of digital evidence and to determine what equipment the court can provide and what equipment the parties must provide. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. Not later than 10 days before the commencement of trial, or by **June 16, 2017**, the parties shall file a confirmation in writing via ECF that this meeting has occurred and a general outline of the understandings reached.

exhibits marked for identification, including any disc upon which the exhibits have been recorded in digital form, if the party intends to present the evidence at trial digitally, for inspection.

6. Counsel for the government is directed to attend the final pretrial conference with material required to be produced at trial pursuant to 18 U.S.C. § 3500, appropriately marked for identification (e.g., GX 3500-1^{ID}), and either make such material available to defendant (along with two courtesy copies for chambers) or put on the record the reasons for withholding the material. The government may produce § 3500 materials in advance of the final pretrial conference.

7. A defendant in a criminal case is required to appear at all stages of the proceedings, including the return dates of motions, hearings, pretrial conferences and trial, unless excused by the court with the consent of the Government. Failure to comply with this provision may result in revocation of bail.

8. If the defendant is not a citizen of the United States, Defense Counsel shall, within 10 days of this order, advise defendant of the provisions of Article 36(1)(b) of the Vienna Convention on Consular Relations and shall certify to the court and the government in writing filed via ECF that it has done so. If defendant requests, counsel for the government is directed to comply forthwith with its obligations under that convention and submit, in writing, a statement certifying that it has done so.

SO ORDERED.

Dated: January 13, 2017
Brooklyn, New York

/s/
Hon. Kiyo A. Matsumoto
United States District Judge